

McBride. On April 24, 1936, no claim having been filed for the lot seized at Birmingham, Ala., judgment of condemnation, forfeiture, and destruction was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

25991. Adulteration and alleged misbranding of tomato juice. U. S. v. 15 and 14 Cases of Tomato Juice. Default decree of destruction. (F. & D. no. 37201. Sample nos. 52829-B, 52830-B.)

This case involved a shipment of tomato juice that contained excessive mold and a part of which was short in volume.

On February 17, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cases of tomato juice at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about January 16, 1936, by the Robinson Canning Co., from Siloam Springs, Ark., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled, (can) "Siloam Brand Tomato Juice Contents 1 Pt. 2 Fl. Oz. Packed by Robinson Canning Co. Siloam Springs, Ark."; the remainder was labeled, (can) "King of Ozarks Brand Contents 10 Fl. Oz. Tomato Juice Packed by Robinson Canning Co., Robinson, Ark."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

The product labeled "King of Ozarks Brand" was alleged to be misbranded in that the statement on the label, "Contents 10 Fl. Oz., was false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than 10 fluid ounces; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 10, 1936, no claimant having appeared, the court found the article adulterated and ordered that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25992. Adulteration and misbranding of tomato juice. U. S. v. 245 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. & D. no. 37203. Sample no. 59141-B.)

This case involved an interstate shipment of canned tomato juice that was found to contain mold and to be in part decomposed.

On or about February 18, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 245 cases of canned tomato juice at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about September 26 and November 19, 1935, by the Nelson Packing Co., from Springdale, Ark., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled: "First Pick Juice of Tomatoes 1 Pt. 2 Fl. Oz. Packed for Carroll, Brough & Robinson", or "First Pick Brand Juice of Fancy Tomatoes Contents 1 Pt. 2 Fl. Oz. Packed for Carroll, Brough & Robinson."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance. The article was alleged to be misbranded in that the statement "Juice of Fancy Tomatoes", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since said juice was made from moldy tomatoes.

On April 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25993. Adulteration and misbranding of jam. U. S. v. 24 Cases of Sweet-Um Assorted Jam. Default decree of condemnation and forfeiture. (F. & D. no. 37204. Sample nos. 62255-B to 62258-B, incl.)

This case involved a shipment of a product represented to be jam but which was deficient in fruit and contained added acid, pectin, and water.

On March 9, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of a product labeled "Sweet-Um Assorted Jam" at Vicksburg, Miss., alleging that the article had been shipped in interstate commerce on or about January 20, 1936, by the

Bama Co., from Birmingham, Ala., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was invoiced and labeled on the case: "Sweet-Um Assorted Jam." The jars were labeled in part: "Sweet-Um * * * Mixture of Pectin—Sugar Syrup 45% Pineapple, [etc.] Jam 55% The Bama Co., Birmingham, Ala."

The article was alleged to be adulterated in that a mixture of sugar, acid, pectin, and water had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality; in that a mixture of fruit, sugar, acid, pectin, and water containing less fruit than jam had been substituted for jam; and in that a mixture of sugar, acid, pectin, and water had been mixed with the article in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the shipping case, "Sweet-Um Assorted Jam", was false and misleading and tended to deceive and mislead the purchaser; and in that it was an imitation of and offered for sale under the distinctive name of another article, jam.

On May 23, 1936, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the article be disposed of as the law directs.

M. L. WILSON, *Acting Secretary of Agriculture.*

25994. Adulteration of chili pods. U. S. v. 24 Boxes of Chili Pods. Default decree of condemnation and destruction. (F. & D. no. 37215. Sample no. 59133-B.)

This case involved a shipment of chili pods that contained excessive arsenic.

On February 18, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 boxes of chili pods at Coffeyville, Kans., alleging that the article had been shipped in interstate commerce on or about October 19, 1935, by W. H. Booth & Co., from Santa Ana, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Booth's Keno Brand Mexican Chili Pods W. H. Booth Co. Inc., Santa Ana, Calif."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On June 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25995. Adulteration of chili pepper. U. S. v. 3 Barrels of Chili Pepper. Default decree of condemnation and destruction. (F. & D. no. 37218. Sample no. 41646-B.)

This case involved a shipment of chili pepper that contained an excessive amount of arsenic.

On February 17, 1936, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of chili pepper at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about December 26, 1935, by the Western Warehouse Co. for the account of C. L. Prats Chili Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Net Two Hundred Apache Brand Chili Pepper Scobey Storage Co., San Antonio, Texas."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which rendered the product injurious to health.

On June 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25996. Misbranding of shelled pecans. U. S. v. 18 Cases of Shelled Pecans. Default decree of forfeiture and destruction. (F. & D. no. 37220. Sample no. 43861-B.)

This case involved shelled pecans contained in a package that had a cardboard false bottom. The net weight was inconspicuously declared on the side of the package and was partly obscured by a ribbon.

On February 19, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the